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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,569	10/23/2006	Tasuku Minami	2006_1639A	6590
513 7590 02/22/2010 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER KUMAR, RAKESH				
ART UNIT 3651		PAPER NUMBER		
NOTIFICATION DATE 02/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
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Office Action Summary

Application No.

10/594,569

Applicant(s)

MINAMI ET AL.

Examiner

RAKESH KUMAR

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2009 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 9. Claim 9 recites the limitations "is a linear member" on line 2. It is unclear as to what is meant by the partitioning portion is a linear member. It is generally understood and broadly construed to mean the brush elements comprise a linear portion (straight portion). Appropriate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuyama (US 5,803,309).

Referring to claim 8. Yuyama discloses a tablet feeder (Figure 1) comprising: a tablet accommodating section capable (2) of accommodating a multiplicity of tablets (A);

a tablet array member (8) which is rotatably disposed in the tablet accommodating section and which (2), while being driven (3) and rotated (see Figure 4), retains the tablets one after another in pockets (12) defined in an outer periphery (of member 8; Figure 4) thereof such that the tablets can be discharged at a discharge position (6); and

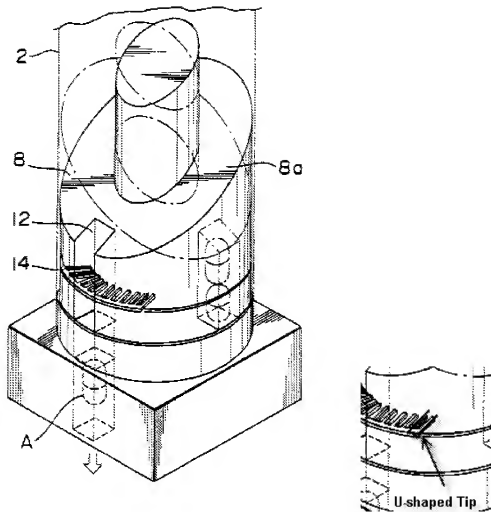
the partitioning member (15 and 16) including a partitioning portion (15; Figure 3a) having brush elements (15 and 17)

the partitioning portion (15) being disposed in the vicinity of the discharge position (see Figure 5) so as to partition the pocket at the discharge position and enter between upper tablets and a lower tablet so that the upper tablets are prevented from

falling into a lower portion of the pocket, and thereby the tablets retained in the pockets of the tablet array member are discharged by a predetermined number (one by one).

wherein at least two adjacent brush elements (15) among the brush elements constituting the partitioning portion of the partitioning member are connected so as to form a U-shaped tip portion (see u shaped tip at the end of member 14; Figure 7). See Figure below.

Fig. 7



and including a plurality of brush elements (17) that extend into the pockets as they rotate (pockets 12 rotate) through the discharge position (6; Figure 1) such that the tablets (A) retained in the pockets of the tablet array member (8) are discharged by a

predetermined number (one at a time), wherein a first portion of the brush elements (17) located at an end of the partitioning portion (15) are linear member (portions between the edge 15 and the terminating edge; Figure 3a) and a second plurality of the brush element have a U-shape (see U shaped tip of each brush element) so as to provide a rounded tip portion (see Figure 6 and 7).

Referring to claim 9. Yuyama discloses a tablet feeder (Figure 1) wherein the brush elements (15; Figure 4) located at an end of the partitioning portion is a linear member (see end on member 14 in Figure 7).

Referring to claim 10. Yuyama discloses a tablet feeder (Figure 1) wherein the brush elements (15; Figure 4) constituents are tilted toward a downstream side of rotational direction of the tablet array member (8; see tilt direction in Figure 4).

Referring to claim 11. Yuyama discloses a tablet feeder (Figure 1) wherein each of the brush elements (17) has a cross section that is generally oval shape (Col. 3 line 4; Figure 6), and a minor axis (axis running the across each brush) of the oval shape is directed along the rotational direction of the tablet array member.

Referring to claim 12. Yuyama discloses a tablet feeder (Figure 1) wherein each of the brush elements (14) comprises a plurality of filaments that are held together so as to form the U-shape and rounded tip (14; Figure 7).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Response to Arguments

Applicant's arguments with respect to claims 8-12 have been considered but are moot in view of the new ground(s) of rejection. The amended claims are rejected above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH KUMAR whose telephone number is (571) 272-8314. The examiner can normally be reached on M-F 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

/RAKESH KUMAR/
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